G. R. S. IX-5]

Previous references.

1889
191-.
(L.R.)

File No. 28 of 1889

Serial Nos. 1-5

Later references.

GENERAL AND REVENUE SECRETARIAT.

25

Serial Nos. 1-5

Map ~~Part~~ B for

SUBJECT.

Appeal of Ayath Sab of Kyatsandra, Tumkur Taluk, against the Sale of S. No: 114 of Meydala Amani Tank.

W D 88—GPB—50,000—24-7-16

Indexed by

I

Translation of the plaint presented to the D.J. Commissioner of the Tumkur Dt by Nyak Sab Son of Budna Sab of Kyatasandra, Tumkur Taluq. under date 11.2.89

Jowra On a plea of arrear of Kandayam, not properly due by the petitioner the Taluq authorities sold in auction the petitioners Kathé land bearing Survey no. 144 below the Amani Maidalada tank, for Rs 20. (land measuring 2 acres 27 ft & assessed at Rs 19).

When the petitioner complained against it on 15th January 1888 he was directed to obtain Copies of the necessary papers & bring a formal Civil Revenue Suit. As per Endorsement no. 407/6 dated 16th January 1889. The petitioner enclosed Copies of 6 receipts, attachment list, Sale notice, details

8

Of Sale & copy of Kachay
Of the year Dharma -
The following reasons
will show that the attach-
-ment & Sale was illegal
& fraudulent.

1. Nothing was due by
the petitioner, and yet
his property was attached
& sold.

2. The attachment not
gives no particulars of
the fruit bearing and
other trees, buildings, well
& on the land, nor is there
any details of the produce,
any estimate of things &c.

3. The Sale proclamation
does not give any of
the usual particulars.

4. In the notice dated 6th
August 88, it was stated that
the Sale would take place
in Kegalla Cancha. The Sale
did not take place there
Those who were willing
& did were made to
assemble there, while the
Sale took place at Imbulgoda
~~In the room~~. The bidding
for trees, building &c
in the statement sub-
mitted by the D/ Commr
is

5

my person worth Rs 1000
have caused the same
to be sold and bought
it for a trifling sum
of Rs 20/- Shanbogue
Narasimhappa has
also suffered imprison-
-ment for Embezzling
the Condayam money
received from the
~~ryots~~ ryots. It is a
matter for surprise that
the Entries in the Kathay
which do not tally
with those of Kvidé have
not been brought to
light by those who had
occasion to see them.
For these reasons the
petitioner begs for a
re consideration of the case &
the cancelment of the
sale.

Translator's

SKR

L.R 4 8 9 89.
81

M^rs 1886 dated
1st Dec^r 1889

Appellant
Hayalsab
of Katthandar
Teerthar Lake

Respt.
~~Lamana~~
Shesharra

x
acres 2-27
assd 19 Rs.

Appellant's land No 144 x
was sold for arrears of Revenue
~~of Revenue~~ on 6th August 1888.
& Respt. purchased it for
Rs 20. The sale was confd
on 1st Dec^r 1888. — Appt
complained against the sale
on 15th January 1889 - The Dy
Com^r states that an accurate
description of the property was
not given in the sale notification
& that the Auction did not
take place in the village
~~on which~~ mentioned in the
sale notification, but in another
village, in consequence
of which the land did not
fetch its proper price. —

The case was set
for hearing on 2nd Oct^r 1890
but both the parties failed

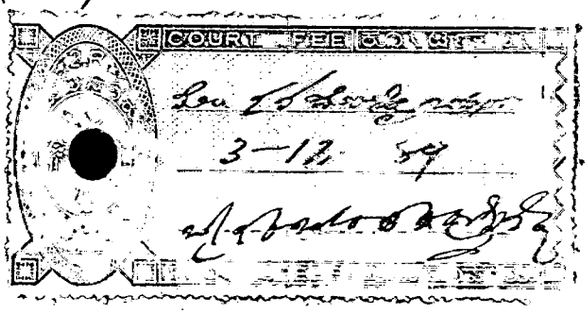
Mr Allen. —

The Govt agree with the Dist Court in considering that the sale was irregular & accordingly cancel it — & the sale proceeds ordered to be refunded to the Respt & the appellants proceeds against agreed for the arrears due.

[illegible] C.J.
5/10/90 8/10

Respts
Appellants informed that the sale has been cancelled
[illegible]

No. 1886. 3



1890
Hearing 28th January 1890
Give notice to
Pltf & to the
Surveyor General
& Land Revenue, and
the Dy Collr to give
them notice.
[illegible]
28/1/1890

Case for
Provisional
Order

To
The Hon'ble Rajah Sir Muttoosamy Vijiaraghunada Raja Kumarasinha Bahadur Rajah of Vellore
Member of Council
Governor of Fort St George

The humble petition of Ramalinga Pillai, son of Govinda Pillai residing at Kallikadu, Trinchinopoly District, Taluq Trinchinopoly District, Most humbly sheweth

That your humble petitioner owns one half of the garden bearing survey No. 144 and situated in the Revenue village of Kallikadu, Trinchinopoly Taluq. The total of the garden is 2 acres and 27 cents. The assessment of the whole garden is Rupees 19-0-0. The other half of the garden is owned by one Venkatachala Pillai, son of [illegible] by caste. The petitioner

The garden was caused to be

sold by the Revenue Authorities of the Tenkeri Taluq for arrears of Revenue viz. Rupees (18-6-0) alleged to be due for the year Fasli, but which was not due and which was not in arrears. It was sold on the 6th August 1888 for Rupees 20 — and Twenty and the sale was confirmed by the Deputy Commissioner of the Tenkeri District in December 1888.

3. With reference to the above the petitioner submitted a petition to the Deputy Commissioner on the 15th January 1889 and he gave an endorsement No. 457 dated 16th January 1889 to the effect that after obtaining the copies, the petitioner may, if necessary, submit a petition duly. The said petition and endorsement thereon is herewith produced and marked A.

4. After the endorsement above referred to was passed, the petitioner obtained the necessary copies and submitted a petition to the Deputy Commissioner praying that, for the reasons stated in the petition, the sale of the garden may be cancelled;

5. The Deputy Commissioner thereupon passed his order dated 29th May 1889 a certified copy of which is herewith produced and marked B. He also recommended in the Docket 1889 — dated

dated 4th June 1889 to the Chief Secretary to the Government of Mysore that the sale of the garden may be cancelled for the reasons stated in his order dated 29th May 1889. (A certified copy of which is herewith produced and marked E).

6. For the above, the Government of Mysore were pleased to pass the Proceedings No. 4789 dated Bangalore 14th September 1889 (157) to the effect that the Commissioner was not competent to revise the order of his predecessor. The Petitioner submits may, if so advised, prefer an appeal against the proceedings complained of by him. This is produced and marked F.

7. The Petitioner now therefore most humbly and respectfully begs to submit this Petition for your Excellency's kind consideration and favourable orders.

8. The Petitioner begs to submit that the sale of the garden may be ordered to be cancelled for the following reasons viz.

a). As specified below, there were no arrears of Peishcush due for the year. The attachment and sale of the garden was for a sum not in arrears.

b). In the attachment Patta, nothing is mentioned as to the fruit-bearing trees, buildings, wells in the garden. The scheme of the garden too is not mentioned.

b

d? No such particulars are mentioned in the said Proclamation either.

d? In the latter or said Proclamation it is mentioned that the sale of the garden will take place at Kallesandra village on the 6th August 1888. The garden was not called Kallesandra as above specified. The people that had a desire for bidding became to know called at Kallesandra while the sale took place at Tumkur. Thus the petitioner most respectfully begs to submit it illegal. This will be seen from a perusal of the "Karnataka Prakasika" marked Column 25, wherein it is stated that the sale took place in the Taluq Cutchery Tumkur Taluq in the presence of the Shirastadar. The copies of Attachment Petition and Sale Proclamation are marked E and F respectively.

e? In the "Karnataka Prakasika" which was sent to the deputy commissioner, there is a column No 20, in which should be entered trees, buildings &c in the garden which is sold sold; No such thing is mentioned therein; only Cyphers should be there.

f? No schedule of the garden mentioned in the Attachment Petition marked E. nor the Karnataka Petition marked H. under the head of which Ravel Zero is put down. This being the case, it does not mean

Clear as to title. Heir and Next
Samadeen but does the estimate
of the garden as Rupees 150 see the
Karar Chalkeel Thakkeel marked B
while the property is worth 2000 Rupees.

4. The pertain mentioned in the
Karar Patta marked A, only three
(3) persons, viz. Sebamale, the
purchaser of the garden for Rupees 20/
Hammanhamy and Poothamale,
belong to the village of Kalla and no
other belong to the village of
Baadeshalle and Mankalkal taluk.
It does not appear that there were
more than 7 or 8 bidders.

Hammanhamy and Chambiyan
Poothamah are the sisters of Sebamah
the purchaser and they accompanied the
said Sebamah to Court.

5. The Patta of the said garden
Survey No 144 stands in the name of
the petitioner's father. It has been
entered in the name of the petitioner.
One half of this garden belongs to one
Kunhaadeen Sahib, uncle of the petitioner.
Sebamah, the purchaser of the said
garden in question for Rupees 20/ in the
Revenue Sale now sought to be cancelled,
purchased in private sale the said
Kunhaadeen Sahib's half garden
for Rupees 700/ and resumed to the
possession & enjoyment of the said
Sebamah's uncle Hammamah

Chia ; daughter

daughter is married to the said Venkammah. Also Venkammah's daughter is married to Sivakamah's brother Kandiah and the above half garden conveyed to Venkammah by Sivakamah is also in the possession and enjoyment of the said Shanmugah.

8

i. The petitioner has produced two (2) Receipts marked X and X1 herewith produced for payment by the petitioner's father of Rupees 8-3-0 for Kandiyam due for the year Isvara. The declaration of Kandiyam has been paid by the said Shanmugah. Since he has been in possession and enjoyment of half the garden as stated above; and the said Receipts obtained for payment are with him alone.

ii. Although the said Shanmugah knew full well all the facts, viz, that no Kandiyam was in arrears for the year Isvara, yet he and Sivakamah and Shanmugam Pattamah all colluding together brought the property to sale secretly with the fraudulent motive of depriving the petitioner of his one half of the garden worth Rupees 1000. The said Shanmugah and Sivakamah purchased the said property for a paltry sum of Rupees 201.

Mudaliyar Amarasekara Shanmugam

Proctor

has paid for half the garden

(0 in the possession and enjoyment

as mentioned in clause (i).

For the foregoing reasons

your Honour's humble petitioner

most respectfully prays that

the sale of the garden may

be cancelled

And petitioner most humbly

begs to remain

Most Honoured Sir

Your Honour's most obedient

and humble servant

8th December

1887

ಗೌರವಪೂರ್ವಕವಾಗಿ

No. 457.

Mysore Dewan's Office,

PETITION DEPARTMENT.

11

L. R.
4809
2

Official Memorandum.

The Accompanying Petition No. 1886, dated 5th December 1889 received at Dewan's Office from Hayath Sabi, Son of Boodna Sabi, residing at Kyathsundra, Tumkur Taluk, Tumkur District is forwarded, together with its 11 enclosures, to the Deputy Commissioner, Tumkur District, for submission of the Proceedings connected therewith.

BANGALORE,

1889.

By Order,

Under Secretary.

Mysore Government, Central Press, Bangalore.—25-7-89.—1,000.

(General Serial No. 29.)

188

OFFICE OF THE DEWAN OF MYSORE. 29 JAN 90 No. 470

From

The Dy Commissioner
Tumkur district

To

The Chief Secretary to the Dewan
Government of Mysore.
Bangalore.

Dated 28 January 1890.

Despatched

Received

Enclosures No. 13 & Rund

General No. 1889-90.
No. 468

The Chief Secretary's
docket no: 457 of 12th
December 1889:.

I have the honor to
forward the Proceedings
in connection with the
forwarded petition of
Ayaub Sabi, of Hiryadu-
Gaudru, Tumkur
Taluk, together with
the petitioners arzi and
its enclosure received
with the above:.

I have &c

Dy Commissioner
Tumkur district

32
30-1-90

1/09 [illegible]

13

(General Serial No. 30).

1890.

Section [illegible]
No 218089
rial No 4

From

To The D.C. Jamalpur Dt

Dated 14 October 1890.
Despatched 21
Received

Enclosures No.

General No. 8450
No. 297.

Ind.l copy of decision in Appeal N.o 1886 of 1st Dec.r 1889, with the Ver: papers rec.d with his N.o 468 of 28th Jan.y 1890.

Before the Government of *His Highness* the Maharaja of Mysore

114

Appeal No. 1886 of 1st December 1889.

Appellant.	Respondent
Hayath Sabi of Kyathsandra Tumkur Talk.	Shekhanna.

X
acres a/cpt
2-27... Rs 19-- "

Decision. 8.10.90.

Appellant's land No 114 X was sold for arrears of revenue on 6th August 1888, and Respondent purchased it for Rs 20/-. The sale was confirmed on 1st Dec 1888. Appellant complained against the sale on 15th January 1889. The Dy: Commr states that an accurate description of the property was not given in the sale Notification, and that the auction did not take place in the village mentioned in the sale Notification, but in another village, in consequence of which the land did not fetch its proper price.

The case was fixed for hearing on 2nd October 1890, but both the parties failed to attend.

The Govt agree with the Dy: Commr in considering

considering that the sale was irregular and accordingly cancel it. The sale proceeds should be refunded to the Respondent, and the Appellant proceed against afresh for the arrears due.

By order

W.
A.R.

No. 8450/297 dtd 14-10-90 21 & VP

Under Secretary.

Copy forwarded to the Dy: Commr, Tumkur Dist, with the over: papers received with his No. 4685 dtd 28th January 1890.

By order

Under Secretary.

16

No. 1886

Appellant
Nagath Sabi of
Kyathsandra
Tumkur Taluk.

Respondent
Sheshanna.

Endorsement. 28/10/90

In reply to his Petition dated 1st December 1889 Petitioner is informed that the sale has been cancelled.

The enclosures are herewith returned.

~~is informed that~~

MYSORE DEWAN'S OFFICE,
PETITION DEPARTMENT,
Dated the 6th Dec 1890.

By Order,

Secretary.